



---

**OFFICE OF PUBLIC INSTRUCTION**

**PO BOX 202501  
HELENA MT 59620-2501  
www.opi.mt.gov  
(406) 444-3095  
(888) 231-9393  
(406) 444-0169 (TTY)**

**Linda McCulloch  
Superintendent**

SP-06-18

DATE: April 20, 2006

TO: School Food Authority Administrators

FROM: Christine Emerson, Director, School Nutrition Programs

SUBJECT: School Districts and Federal Procurement Regulations

This memo is a reminder that School Food Authorities (SFAs) must draft their own specifications and procurement documents. An SFA which copies a list of features or evaluation and ranking criteria drafted by a potential vendor and then permits that potential vendor to submit a bid has violated Department regulation 7 CFR Part 3016.60(b). While schools have broad discretion in gathering information for use in connection with procurements, information from potential bidders must be appropriately modified to develop tailored specifications; otherwise these bidders must be excluded from competing for such procurements. This is to ensure objective contractor performance and eliminate unfair competitive advantage. A person that develops or drafts specifications, requirements, statements of work, invitations for bid, requests for proposals, contract terms and conditions or documents specifically for use by an SFA in conducting procurement under the Child Nutrition Division Programs shall be excluded from competing for such procurements.

Any action which diminishes open and free competition seriously undermines the integrity of the procurement process and may subject the SFA to bid protests. Pursuant to 7 CFR Part 3016.36(b) (12), SFAs must have protest procedures in place to handle and resolve disputes relating to their procurements and must, in all instances, disclose information regarding a protest to the Office of Public Instruction, School Nutrition Programs.

If you have questions, please contact School Nutrition Programs, (406) 444-2501.